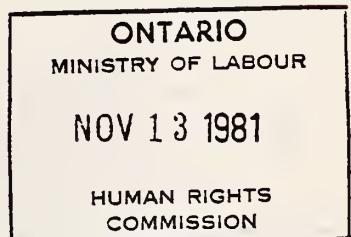


IN THE MATTER of the Ontario Human Rights Code, R.S.O. 1970, c.318, as amended, the matter of the complaint of Chin Nok Fong of Ottawa, Ontario alleging discrimination in denial of housing accommodation by Ms. Annette Taillefer and Mrs. Taylor, 53 McLeod Street, Ottawa, Ontario, contrary to paragraph 3(1)(a) of the Ontario Human Rights Code, R.S.O. 1970, c.318, as amended.

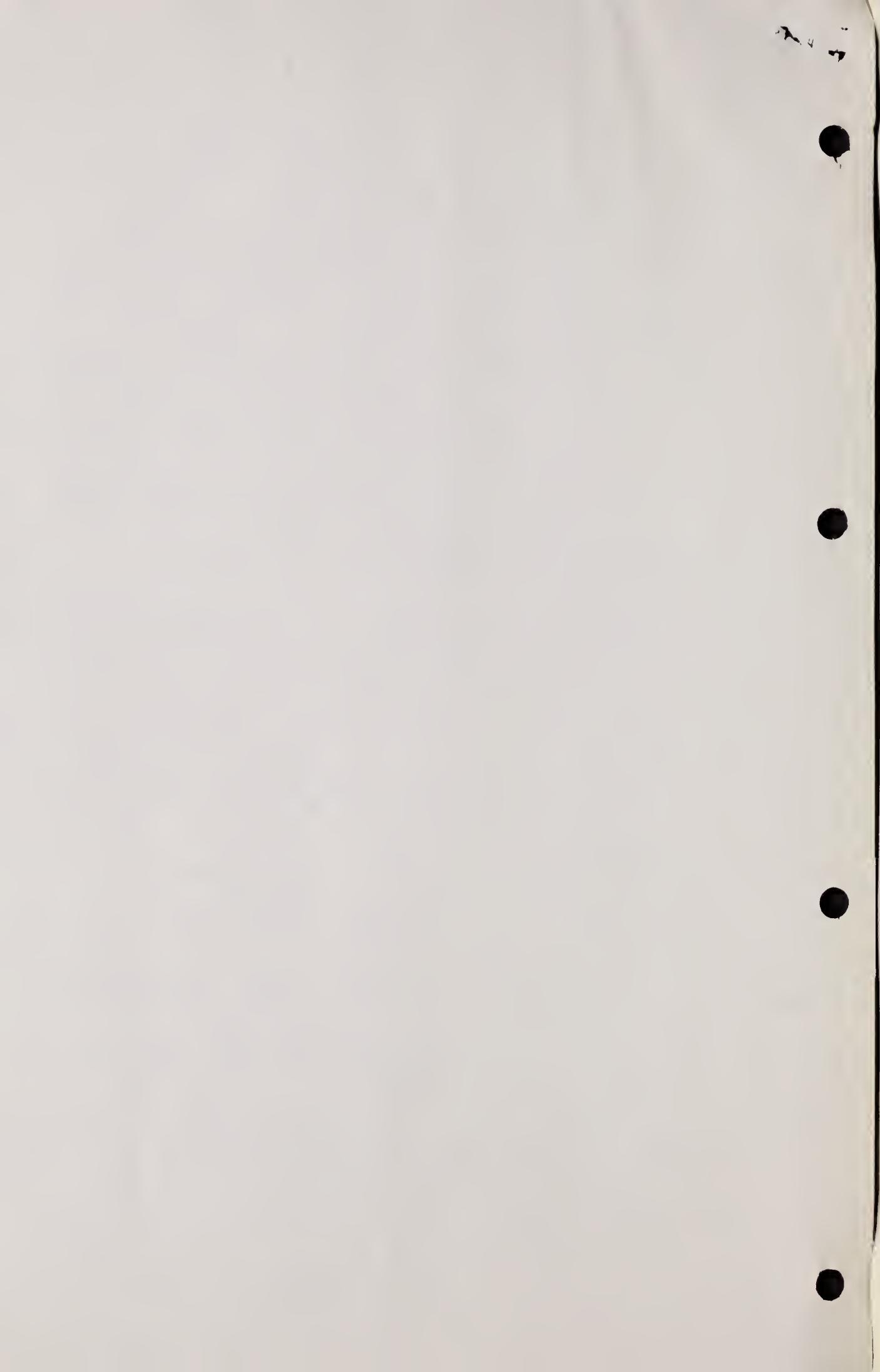
BOARD OF INQUIRY

Professor Frederick H. Zemans
Chairman



Appearances:

Michael Bader	Ministry of the Attorney General Counsel, Ontario Human Rights Commission
Gaston Charbonneau	Counsel, Ms. Annette Taylor, also known as Ms. Annette Taillefer



Appointment

On February 5, 1981, I was appointed by the Honourable Robert Elgie, Minister of Labour, as a Board of Inquiry under the Ontario Human Rights Code to hear and decide the complaint of Mr. Chin Nok Fong of Ottawa, Ontario, alleging discrimination in housing by Ms. Annette Taillefer and Mrs. Taylor of 53 McLeod Street, Ottawa, Ontario.

On May 21, 1981 a hearing was held in the City of Ottawa at the Chimo Inn, 1199 Joseph Cyr Blvd. Mr. Michael Bader appeared as counsel for the Ontario Human Rights Commission and Mr. Gaston Charbonneau appeared as counsel for the respondent, Annette Taillefer.

Complaint

On September 7, 1979, Mr. Chin Nok Fong attended the offices of the Ontario Human Rights Commission in Ottawa and there filed a complaint alleging discrimination in housing against Ms. Annette Taillefer, owner, her servants and agents, and Mrs. Taylor, of the premises located at 53 McLeod Street, Ottawa, Ontario, claiming discrimination because of his ancestry, contrary to the Ontario Human Rights Code. This complaint alleges a violation of s.3(1)(a) of the Ontario Human Rights Code and was introduced and filed as exhibit 1 at the Board of Inquiry.

Facts

The facts in this case are quite straightforward. Mr. Fong is a third-year graduate student in the Department of Anatomy at the University of Ottawa. In late August, 1979 he attended at the University of Ottawa housing service where he wished to obtain information with respect to housing for the forthcoming year. He testified that he was hoping to obtain a two bedroom apartment which he planned to share with another student. He searched through the listings under two bedroom apartments and came across a listing for accommodation at 53 McLeod Street in Ottawa. He called the number listed for these premises (237-2653) and spoke to a woman who, from the conversation, appeared to be the owner. Mr. Fong inquired whether the premises were available. He was then asked whether he was Chinese. He stated that he was and that the person he wished to share the premises with was also Chinese. Mr. Fong testified that the lady



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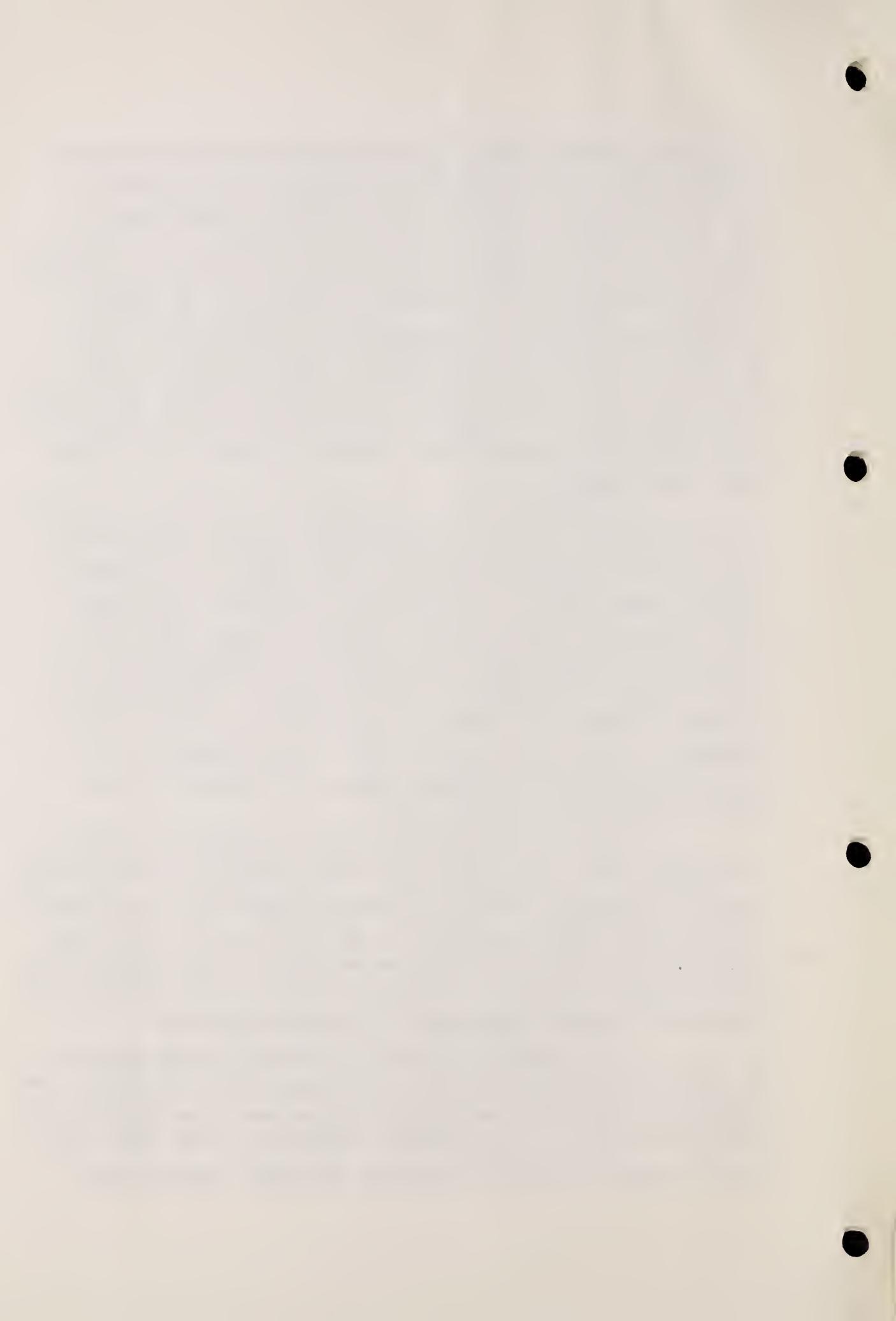
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to whom he was speaking replied "we have never had Chinese and we won't". (Evidence page 9) Mr. Fong testified that the lady also said that "if I take you everyone would move out" and slammed the telephone down. Mr. Fong was not certain to whom he was speaking as the lady did not identify herself and he at no time met the proprietor or any other person connected with 53 McLeod Street prior to the date of the hearing. Mr. Fong was surprised and disturbed by the response that he received to his inquiry for housing accommodation and he returned to the University of Ottawa Department of Anatomy and discussed the incident with several staff members. He was encouraged by other members of the staff who perceived that he was visibly upset and distressed by this incident to complain to the Ontario Human Rights Commission.

Mr. Robert Grenier is employed by the Department of Anatomy at the University of Ottawa. He discussed this incident with Mr. Fong shortly after his telephone conversation and offered to call the same telephone number that Mr. Fong had called to determine if there was in fact a vacancy at 53 McLeod Street. He testified that he spoke to an older person in French and was told that there was accommodation available and he made an appointment to see the premises. (Evidence page 23) Mr. Grenier did not at any time see the premises but confirmed that an apartment was available on August 31, 1979. (Evidence page 25) His recollection was that he called the number on the university housing service listing that Mr. Fong had called.

Mr. Fong testified that he found accommodation elsewhere in September, 1979. It was drawn to Mr. Fong's attention on cross examination that the premises available at 53 McLeod Street were a "garconniere" - a single room or bachelor premises. He testified that he did not speak French and that he had only recently become aware that these premises were not a two bedroom apartment. In my opinion, nothing turns on whether the premises were a bachelor apartment or a two bedroom apartment.

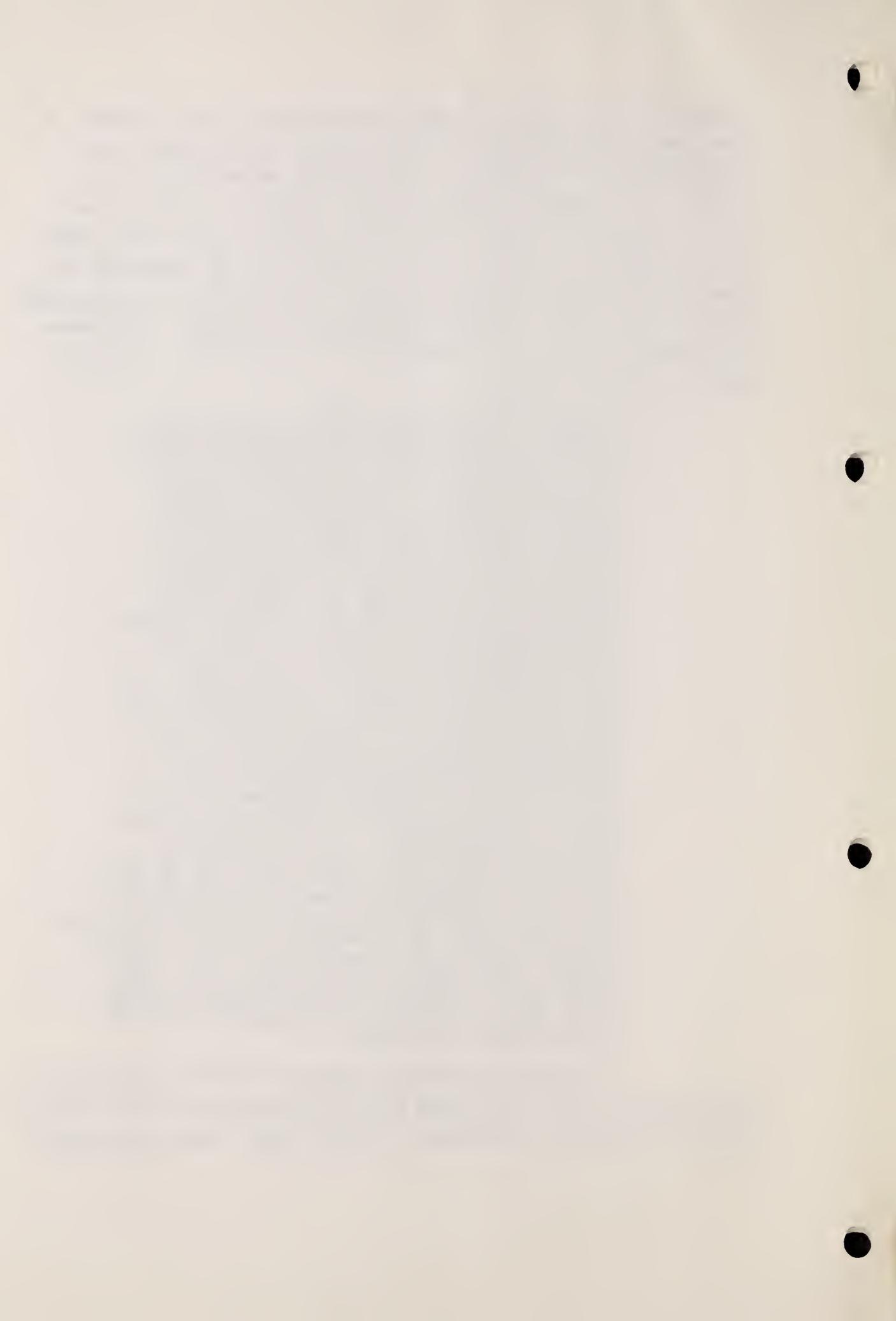
Two investigators for the Ontario Human Rights Commission, Mr. Maurice Richard and Ms. Theresa Legault, testified at the hearing. Mr. Richard had worked as an investigator in the eastern region of Ontario for two and a half years. He initiated his investigation of Mr. Fong's complaint on January 29, 1980 by telephoning the Ottawa telephone number



listed on the University of Ottawa housing service form - 237-2653. He made notes of the telephone conversation which were ultimately type-written and filed as Exhibit 4. The telephone conversation was in French but Mr. Richard's notes were made in English. I have no doubt that Mr. Richard is fluent in both French and English and it was agreed by both counsel at the Inquiry that he could act as an interpreter for those witnesses that required assistance in testifying at the proceedings. On January 29, 1980 Mr. Richard telephoned the respondent. The conversation that took place was recounted by Mr. Richard in his evidence on pages 34 - 35 as follows:

Officer Richard asked to speak to Ms. Taillefer, however, the lady answering the telephone stated that Ms. Taillefer was in the hospital but that she was taking care of all her business and that she was her sister. Officer Richard attempted to find out when Ms. Taillefer would be back. However, the lady stated that she takes care of all her sister's business and she would not be back for two or three years. Officer Richard asked the lady if she was Mrs. Taylor, but she refused to state her name. After Officer Richard explained the purpose of the call to this lady, the lady stated that she did not know any Chinese people but that they were trying to run the country and would take over all the Canadian jobs and places in universities. She stated that she only took Canadians from Quebec to live in the apartments and people who attend university. She stated that if the Chinese were making trouble they should stay together in their own complexes and she wanted to know where they were getting the money to rent apartments. The lady stated that if she took one Chinese, they would become ten in the room, bringing their parents and relatives with them. The lady stated that two of the people renting from her presently had been at that address for the past three years. She stated that she has rented to a Hindu, but that the Chinese bring sickness to the country. She stated that she had been warned that if she took one Chinese person they would bring ten others into the room to live and then she would not be able to get rid of them.

In the same conversation between Mr. Richard and the lady I find to be Mrs. Taylor, she stated that no Chinese person had ever come to her house, and that in late August, 1979 her "Hindu" tenant was supposed

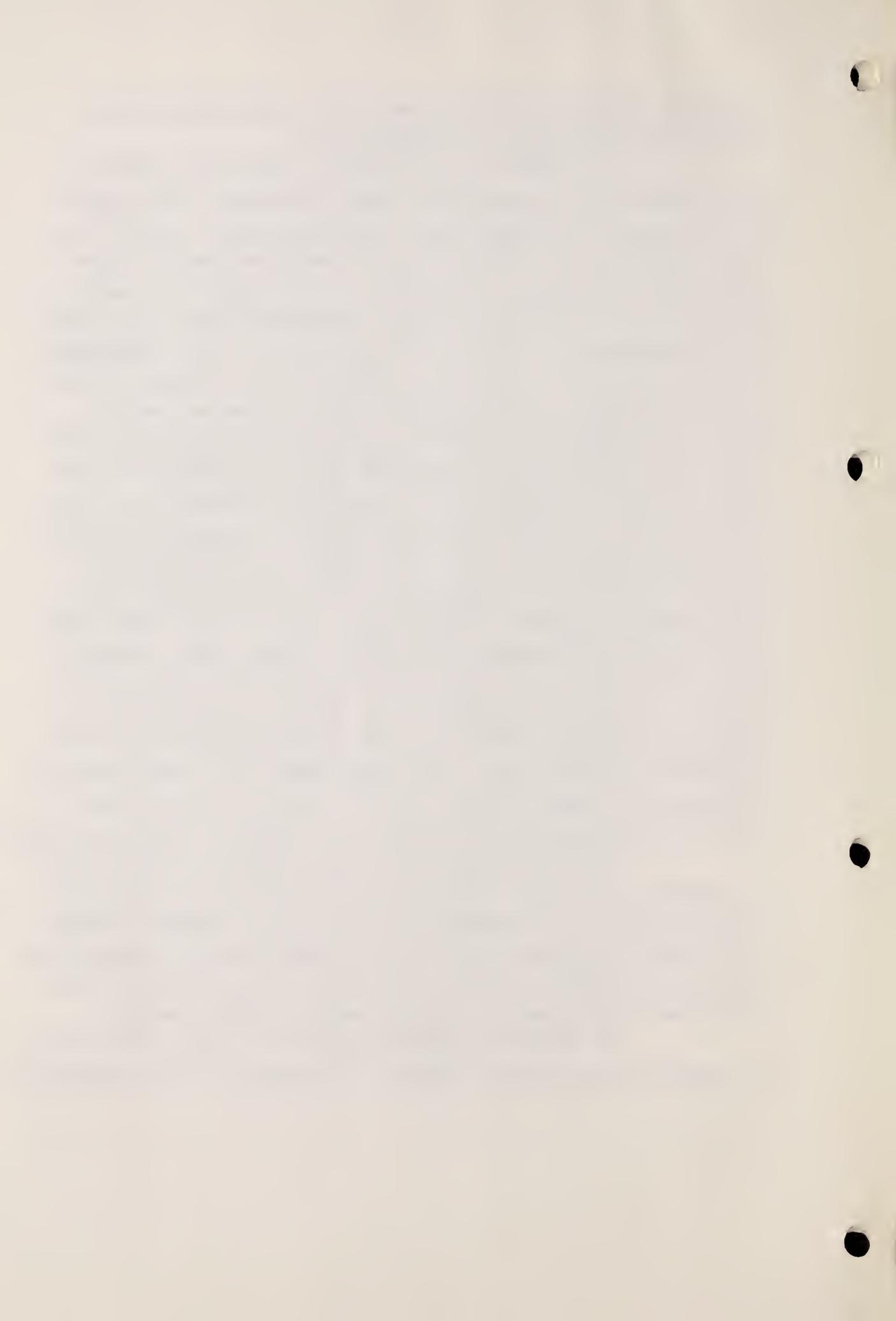


to leave but changed his mind and then stayed. She therefore had no space to rent in her house. (Evidence page 36)

Mr. Richard testified that Mrs. Taylor made a number of other comments about Chinese people in this conversation. She alleged that the Chinese take Canadian money from the government and use it to cause trouble. She was indignant that a Chinese person would contemplate renting an apartment for \$500 per month and wondered "who would have paid for it if they have no money". She denied receiving any calls from a Chinese person. Mr. Richard stated that Mrs. Taylor acknowledged that she had called the University of Ottawa to tell them that there was a bachelor apartment to rent because her "Hindu" tenant was leaving. However, she stated that no one had called and the following morning her current tenant had changed his mind about leaving and therefore she had nothing available. According to Mr. Richard she stated that at the time of placing the ad she would have been the person to answer the telephone, but no Chinese person had called. Mr. Richard, on cross-examination, testified that Mrs. Taylor indicated that she was angry when informed that a complaint had been laid against her. He didn't recall her informing him that she had been away from Ottawa in August, 1979. (Evidence pp. 58 - 59) This is significant and will be dealt with later in this decision. According to Mr. Richard, Mrs. Taylor also stated that the Chinese were backing the NDP and that she did not approve of having the Chinese taking Canadian jobs. She further stated to Mr. Richard that now that there was a complaint against her by a Chinese person, she would never give a Chinese person an apartment in her house. (Evidence pp. 34-41)

Mr. Richard testified that approximately 15 minutes after his telephone call to Mrs. Taylor she called him back and told him that she had spoken to a high government official about the complaint and he had told her that the matter would cost her money because the complainant would want a financial settlement. Mr. Richard indicated to Mrs. Taylor that he would contact her the following week to arrange a meeting.

Mr. Richard attempted to contact Mrs. Taylor several times by telephone but was unable to reach her. On August 5, 1980 he attended at

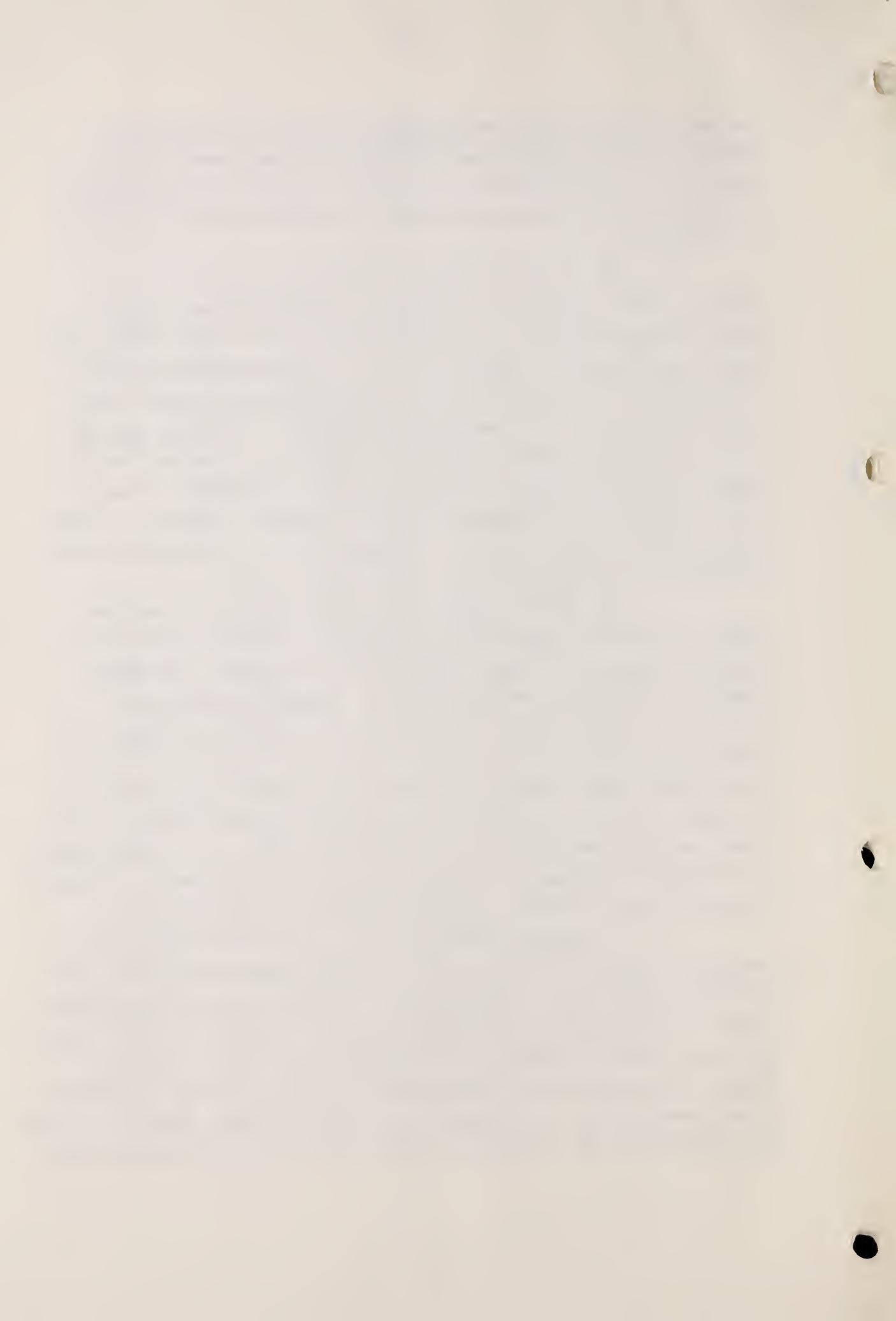


the home of Ms. Taillefer and knocked on the door on three separate occasions. There was no answer although Mr. Richard heard a dog continually barking while he was at the door. He left his card requesting Ms. Taillefer to call him at his office. He never received a response to his message.

Mr. Richard received a telephone call from Mrs. Taylor on May 12, 1981, when she told him that "he didn't believe in good French Canadian Catholics". (Evidence page 49) Mrs. Taylor identified herself and stated that the Chinese had no religion and that she was calling about the complaint that she believed had been falsely filed against her, as she had no two bedroom apartments. (Evidence page 50) She also indicated in this conversation that Ms. Taillefer was not in Ottawa and then mentioned an incident in which she claimed a Chinese person had caused a considerable amount of trouble by appearing in front of her home with either a gun or a bow and arrow. Mr. Richard had this telephone call transferred to his supervisor, Ms. Legault.

Ms. Theresa Legault, the Regional Supervisor, eastern region of the Ontario Human Rights Commission, testified that she had originally assigned Mr. Fong's complaint to Mr. Richard. She became directly involved with the case after Mr. Richard had experienced difficulty in contacting Ms. Taillefer or Mrs. Taylor by telephone. On June 12, 1980, Ms. Legault sent Ms. Taillefer, in care of Mrs. Taylor, a registered letter, along with a copy of the formal complaint filed by Mr. Fong. A copy of the Ontario Human Rights Code, in both English and French, was also enclosed with this registered letter. The letter asked the recipient to contact Ms. Legault to set up an appointment. The letter of June 12, 1980 and proof of registration were filed as Exhibit 3.

Ms. Legault never received a reply to her letter but in September, 1980 she did have a brief telephone conversation with a lady who spoke English with a French accent. The lady, at the same telephone number as telephoned by the complainant and Mr. Richard, refused to reveal who she was and said that Ms. Taillefer had been living in the United States for the past ten to fifteen years and that she was not allowed to reveal where she was. In response to an inquiry from Ms. Legault as to who was looking after Ms. Taillefer's affairs, the lady replied that the rent

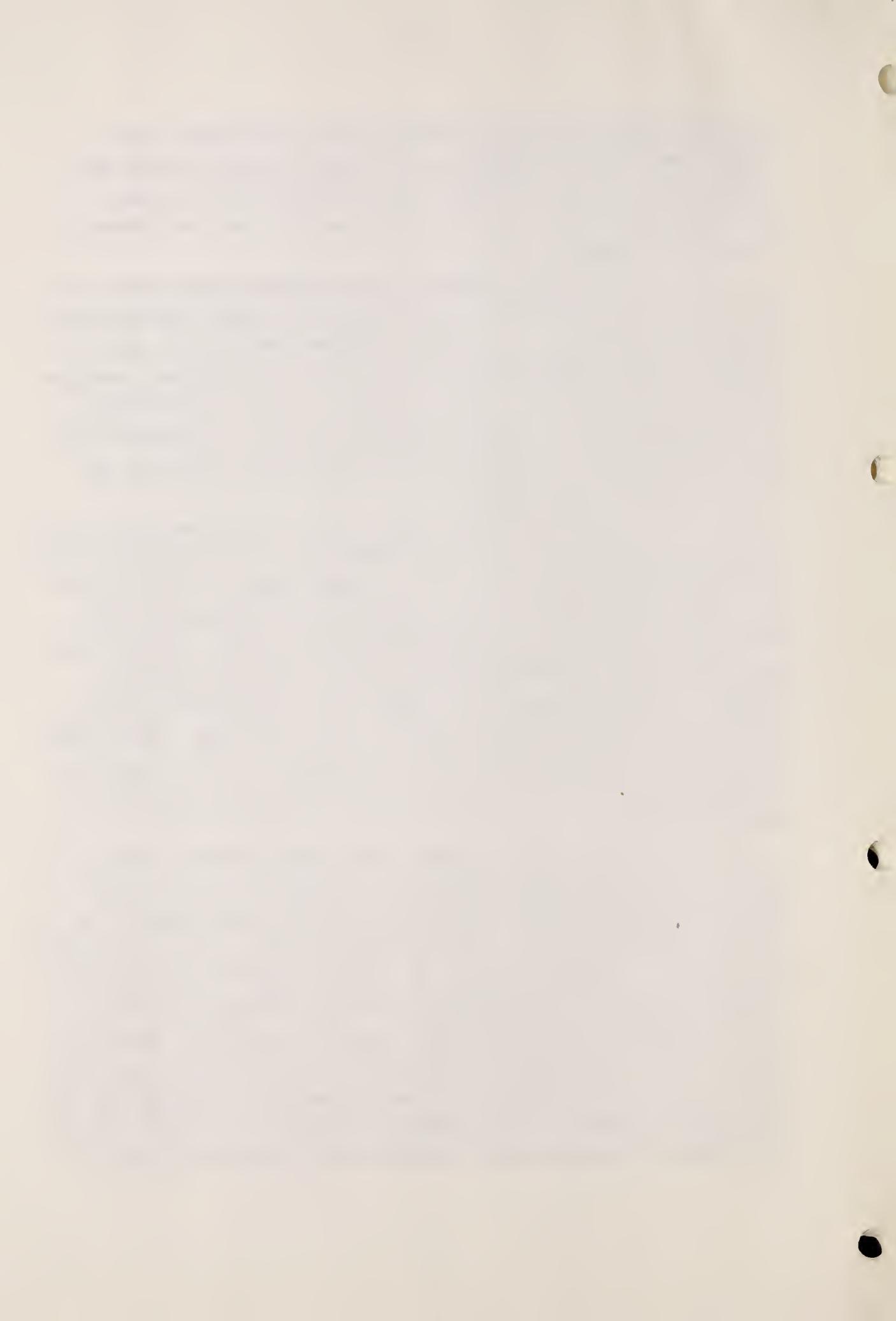


was mailed somewhere and that no one took care of the house as the tenants took care of it themselves. The lady stated that she had been a tenant for the past three years. She said that she had not seen Ms. Taillefer and did not know if she was dead or alive, and ultimately hung up on Ms. Legault.

Ms. Legault testified as to a telephone conversation with Mrs. Taylor in May, 1981 which, she believed, took place after the notice of hearing was received. Ms. Legault testified that she made notes of the May 12, 1981 conversation with Mrs. Jeanne Taylor which was conducted entirely in French and at a very rapid pace. In this conversation Mrs. Taylor indicated that Ms. Taillefer had been living in the south for the past three years and that a man picked up the cash box containing the rents every two to three months.

Ms. Legault stated that Mrs. Taylor had a few words for the complainant claiming that the "petit Chinois" was a liar and that she never had a two bedroom apartment to rent. (Evidence page 71) She related to Ms. Legault that she could not have spoken to him as she was out west. She also made a number of statements about Chinese people, about how rich they were, as well as how they would queue up to cash their welfare cheques. She also related to Ms. Legault how on the previous Saturday she had seen a big Chinese man parked in front of her home. She believed that this man had a gun and was going to shoot her. To Mrs. Taylor the presence of this unidentified man outside her home was connected to Mr. Fong's complaint.

Mrs. Taylor indicated to Ms. Legault that she could not possibly discriminate against anyone on the grounds of race or colour because she had had Japanese, East Indian and West Indian tenants. Ms. Legault testified that Mrs. Taylor had commented that "what could be worse than blacks". (Evidence page 72) Mrs. Taylor allegedly qualified this statement by saying that some people might think that way, but not she. She indicated that the tenants she was referring to were very clean and pleasant. Mrs. Taylor stated to Ms. Legault that she had had "two little Jewish girls" from the United States on her premises. (Evidence page 72) Ms. Legault indicated that the conversation lasted for over half an hour and ranged over numerous issues including the procedures at the public



hearing of the matter. Mrs. Taylor reiterated that she had explained the circumstances to Mr. Richard on several occasions and believed that he had understood. She denied receiving any correspondence from the Ontario Human Rights Commission.

Ms. Legault caused an inspection of the City of Ottawa's tax records to be made and filed a copy of these records as Exhibit 9. These records indicated that the owner of 53 McLeod Street was Annette Taillefer. Ms. Legault testified that she received a copy of a listing of an apartment from the University of Ottawa housing bureau, which was filed as Exhibit 2.

In cross-examination Ms. Legault acknowledged that Mrs. Taylor was an extremely emotional person who ranted during her conversations with her. Ms. Legault believed that Mrs. Taylor understood that there had been a complaint of discrimination laid against Ms. Taillefer.

Mr. Fernand Labelle testified on behalf of the respondent. Mr. Labelle is a sixty-seven year old retired man. He has resided at 53 McLeod Street for fifteen years and paid his rent on a regular basis to Mrs. Taylor, who resides on the first floor with her son. He stated that Mrs. Taylor is responsible for maintaining the building, except when she is away. Mr. Labelle testified that during the summer of 1979 the entire house was fully rented, and that no rooms had become vacant during the summer months or early fall. (Evidence page 91) He further testified that he and Mrs. Taylor had travelled together to British Columbia for three months, and that they had left around June and returned in November. He later stated that they returned in October. He required Mrs. Taylor to travel with him as he could not read or write.

Mr. Labelle confirmed that he always received his rent receipt from Mrs. Taylor. He testified that he was not aware of the Human Rights complaint until the day prior to the hearing. (Evidence page 103) The witness was extremely vague and unreliable, and he produced no supporting documents to substantiate the alleged August, 1979 trip to British Columbia. When cross-examined as to where he and Mrs. Taylor were on August 31, 1979 he stated that they were in Victoria residing at a small hotel. He was unable to produce train tickets, receipts, or copies of bills from any of the places that they allegedly visited.



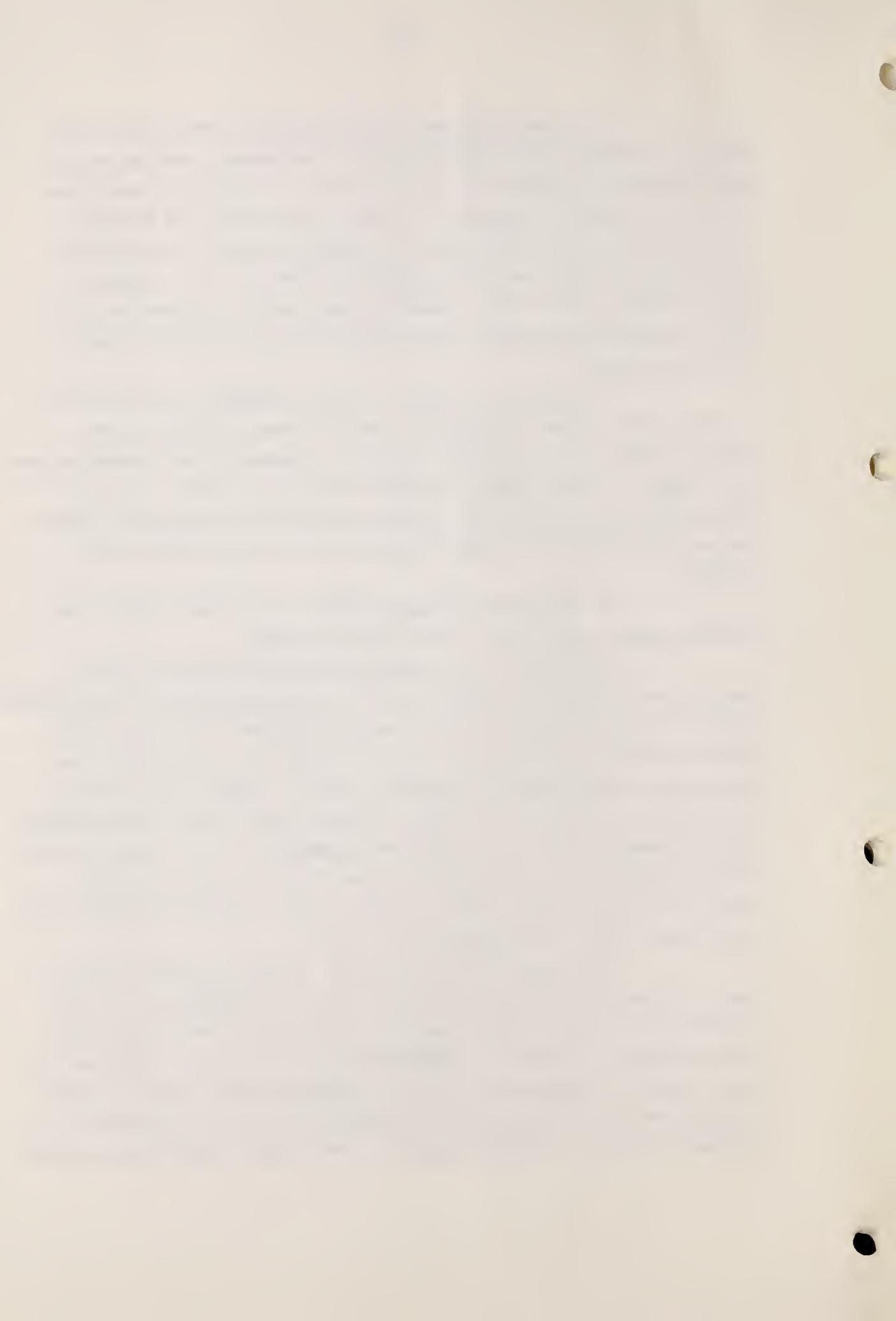
The witness appeared to have confused various dates and events, including when he had completed his employment, when he had had major surgery, and whether the trip to British Columbia had taken place prior to or after his surgery. He stated at the end of his testimony that he had had a gall stone operation four years prior to the hearing and that he had taken the trip to British Columbia prior to the operation as he "was afraid maybe I wouldn't come back". (Evidence pp. 122 - 123) This would have meant that he had travelled to the west coast in 1977 and not 1979.

I indicated to counsel for the respondent during the hearing that if his client was setting up as a defence her absence from Ottawa in August, 1979 that there must be independent proof brought before the tribunal. I find that Mr. Labelle did not have a clear enough recollection of when he retired, of when his operation took place, or when the British Columbia trip took place, to be of any assistance to the tribunal.

Mr. Charbonneau announced after the luncheon recess that he had decided to call Mrs. Taylor to give evidence.

Mrs. Annette Taylor testified that her maiden name was Annette Jann Taillefer and that she is the registered owner of the property known as 53 McLeod Street, Ottawa. She occupies the first floor of the premises with her two sons and a dog. The second floor contains three rooms and a kitchen which she generally rents to three single persons of the same sex, as they use the common bathroom and kitchen. She testified that she does not have any two bedroom accommodation. She stated that she had two Japanese girls and two other women living on the second floor during the spring of 1979, and Mr. Labelle, and a "little Hindu" named Vali on the third floor. (Evidence pp. 146 - 150)

Mrs. Taylor testified that Mr. Labelle and herself were away from the 22nd of June, 1979 until the 22nd of September, 1979 and that the girls on the second floor were looking after the premises with the assistance of her son. (Evidence page 154) She stated that she had never received a telephone call from a Chinese man asking for a two bedroom apartment, and that in August, 1979 she did not have apartments available to rent. (Evidence page 156) Mrs. Taylor acknowledged that her



address and telephone number (237-2653) in Ottawa were the same as the address and telephone number that were on the listing with the student housing bureau at the University of Ottawa. She acknowledged that the listing at the University of Ottawa stated that the apartment available was a "garconniere" which means a bachelor apartment but that she did not have such accommodation and that she had informed the housing service when she listed the premises in 1976 that what she had available was two little individual rooms, one at each end of the house and not close together, with access to a bathroom and kitchen.

In cross-examination Mrs. Taylor stated that there were a number of errors with respect to Exhibit 2 which was the off-campus housing listing from the University of Ottawa. She mentioned the fact that "garconniere" was an incorrect description, as well as the fact that the premises were available for eight months. She indicated that she would not rent for eight months. She also disagreed with the fact that Exhibit 2 indicated that there was parking available and that apartments could only be rented to men. She indicated that at the time she was looking for female tenants. She testified that the listing was placed with the University of Ottawa in 1976 and that the premises were rented shortly thereafter through an advertisement that she placed in the Ottawa Journal. Mrs. Taylor also disputed the accuracy of Exhibit 2 that the premises were "still available" on October 11, 1979 as indicated by the date stamp and hand written note on the back of the exhibit. She stated that she did not recall receiving a telephone call from the housing service at that time and she considered the information on Exhibit 2 to be false. (Evidence page 173) When asked specifically in cross-examination by counsel for the complainant as to whether she would not rent to Mr. Fong because he is Chinese, the following exchange took place.

Q. This statement that you would not rent to him because he is Chinese, he is not telling the truth?

A. I did - oh, just a minute. I never - -

Q. Is he telling the truth, or not?



A. He is not, because I didn't have anything, and I am not the one that answered the telephone. I was away from June 21st to September 21st, so we weren't even around the place at the time that he made the call, because we weren't there.

(Evidence page 174)

Mrs. Taylor, in cross-examination, attempted to discount or rationalize Mr. Labelle's testimony:

Q. Who's the "we"?

A. Mr. Labelle and I. And he was so nervous this morning he was mixing up his operation time with the New York trip that he had with this here trip to Vancouver. He didn't know what to say, and let me tell you, he doesn't know the month - you ask him - January, February, March and April, he doesn't know it. "Lundi, Mardi, Mercredi, Jeudi", he doesn't even know that. He doesn't even know A, B and C. Show him an "A", he doesn't know what it is. Show him an "E", he doesn't know what it is. So you tried to fool him this morning. He didn't understand nothing. He was badly mixed up. Now he's sick.

Mr. Charbonneau: "Don't make any accusations Mrs. Taylor."

(Evidence pp. 174 - 175)

Mrs. Taylor reiterated on cross-examination her position that she had not been in Ottawa at the relevant time. She acknowledged that in her conversation with Mr. Richard that she had not told him that she was out of Ontario in the summer of 1979 (Evidence page 191), although later in her testimony she seems to contradict this position and states that she is pretty sure that she told him. She is unable to give any specific details of the trip or to name any hotels, restaurants or sights that she visited. She also contradicts the evidence of Mr. Labelle by indicating that she was away from June 21st to September 21st, and that she spent the longest period of time in Vancouver, with a shorter period of time in Victoria. She claims that her son works for the federal government and was looking after her premises during the entire summer. Unfortunately, Mrs. Taylor's son did not testify at the hearing to corroborate her evidence.

Mrs. Taylor acknowledged in cross-examination that she had fabricated the existence of Ms. Taillefer and that much of what she had told Mr. Richard and Ms. Legault was incorrect. When asked why she didn't tell Mr. Richard in January, 1980 that Annette Taillefer was her maiden name Mrs. Taylor stated:

A. He never asked me, who was Ms. Taillefer, who was Mrs. Taylor. He never asked me that.

Q. When you ... but you told him that Ms. Taillefer wasn't there. Ms. Taillefer, you told him, was sick.

A. I was bothered so many times with that Annette Taillefer, I said look, I don't know anyone under that name because that name is dead to me. It is dead and buried long ago when I got married. So why should I use Taillefer when I am Mrs. Taylor.

Q. You didn't tell him that. You told him Ms. Taillefer was in the hospital.

A. Yes, so I had a little bit of the willies. I didn't know how many calls I had for that.

Q. So you lied then, is that right?

A. That's not lying. (Evidence pp. 201 - 202)

Q. But you certainly lied about telling him that she was in the hospital, didn't you?

A. Well, I had to say something

Q. It was a lie.

A. Gee whiz, they were calling me and calling me and calling me, what else could I say. I was going to say what, is she dead, wait I'll go and get her in the basement when she wasn't even around, and I was

Q. Yes, and you will say anything that's convenient to you, right?

A. Not exactly, not to be bothered. You have to make amen [sic] to something otherwise you will never be left alone.

Q. You are prepared to lie about Ms. Taillefer, right?

A. That's not lying, that's not lying. Well, Ms. Taillefer doesn't exist anymore, this is Jann Taylor. My name is Annette Jann Taylor.

Q. But you lied to the investigators?

A. So Annette Taillefer, that's erased.

Q. But you lied to the investigators?

A. That is not lying. I don't call that lying. He never asked me if I was Ms. Taillefer. He never asked me that.

Q. You said, on occasions, that you collect the rent for Ms. Taillefer, who was living in the South for the past three years.

A. I collect the rent for her?

Q. Yes. You never said that?

A. Well, maybe, yes, I probably said that, yes.

A. And that's a lie, isn't it?

A. That's not a lie no. Well, it is a lie. What am I going to say? I am not going to say, well, my God, where is

Q. Do you know the difference between telling the truth and lying?

A. Oh no - but I never told that to the tenants. I told them, I said, I am Mrs. Taylor, and you pay the rent to me.

Q. You also told ...

A. And I made them receipts, but there was no, never, about my - from my tenants, that asked me who Ms. Taillefer was, because I never heard the name. The only time I heard the name is when Mr. Richard started to call me about the Chinese from the university, whatever he goes to. That's the first time I ever heard Annette Taillefer. Not from anyone because nobody knows.

Q. Miss Legault also reports that you told her that Ms. Taillefer was living in the South for the past three years. So that's a lie also, right?

A. Living in the South, I never said that, that she was living in the South.

Q. Oh, so you never said that?

A. I never said she lived in the South.

Q. So if Miss Legault reports it, she is in error, right?

A. I said I don't know where Ms. Taillefer is. I was so fed up and so tired of hearing Annette Taillefer, Annette Taillefer. Gee, what else am I going to say. I didn't say she was out South. I said I don't know where she is. I had to say something. Can I live with that phone ringing and ringing. I was going to change the darn phone number. Really, I was. Because I was so sick of being called Taillefer, Taillefer, Taillefer.

Q. You also reported to Miss Legault that, every two or three months, a man comes in and picks up the cash box with the rent money and the receipts in it, is that true?

A. Well, I may have said that. She wanted to know what I was doing with the money and I

Q. Is it true or not?

A. Well, maybe I said that, yes.

Q. You did say it. Now, is it true, yes or no.

A. I could have said that, yes.

Q. Okay. The notes just said

A. Why does she want with the money? Am I going to collect the money and give her the money, and they will never pay the tax, they will never pay the money.

Q. Is it true, yes or no?

A. I could have said that, yes. I have to say something to get rid of her.

Q. But the fact that somebody comes and collects the money ...

A. And it could have been anyone. Nobody comes in to collect the rent. I have to pay, I have to pay. You know, the tax got to be paid, the mortgage got to be paid, fuel has got to be paid, everything has got to be paid. And the money, there is never one cent left ...

Q. Mrs. Taylor, so there are occasions when you don't tell the truth, is that right?

A. Well, I mean to say, when you want to get rid of some people, sometimes, God, I mean, she wouldn't ...

Q. That's how you got rid of Mr. Fong on the phone didn't you?

A. I told you I was away from June 21st until September 21st. So how could I have met Mr. Fong? I wish I could have met Mr. Fong.

(Evidence pp. 203 - 206)

Summary of the Facts and Conclusion

This case arises from a telephone conversation by a University of Ottawa graduate student who was attempting to find accommodation. In my opinion, the only relevant question is whether he was denied accommodation or denied the opportunity to consider accommodation pursuant to s.3(1) of the Ontario Human Rights Code because he is of Chinese descent. The respondent asserts that at the time of Mr. Fong's telephone conversation there was no accommodation available at 53 McLeod Street, Ottawa. In my opinion, Mr. Grenier's evidence allows me to find that there was accommodation for rent at 53 McLeod Street on the 31st of August, 1979 when Mr. Fong telephoned.

The respondent, Mrs. Taylor, has, in my opinion, done everything in her power to thwart the investigation of this complaint by the Ontario Human Rights Commission. She was unprepared to meet with the investigator, Mr. Richard, and she never responded to the written correspondence from the Ontario Human Rights Commission. As recently as May 12, 1981 Mrs. Taylor persisted in her attempt to deceive the Commission and their employees. In her conversation with Ms. Legault, which was transcribed and filed as Exhibit 8 at the hearing, Mrs. Taylor continued to perpetuate the myth that she was Miss Jann Taylor, that she had never been married and was in charge of the rooming house at 53 McLeod Street. She acknowledged on cross-examination that she had made these statements in an attempt to end the Commission's investigation of the complaint.

I find, as a matter of fact, that Mr. Fong on August 31, 1979 spoke to Mrs. Taylor on the telephone and that she refused to consider his request for accommodation because he was a person of Chinese ancestry. When there is any conflict in the evidence on behalf of the applicant and that of the respondent, I accept the evidence of the applicant. It is my conclusion that the behaviour of Mrs. Taylor subsequent to August 31, 1979 and specifically her various conversations with the officers of the Ontario Human Rights Commission which have been well documented confirm the complainant's allegation that Mrs. Taylor is the person who would and did discriminate against him because he was Chinese.

Mrs. Taylor is an older, Canadian citizen who has for many years rented rooms in her home to students attending the University of Ottawa; she states that she has been willing to rent to persons of various ethnic and racial origins, although this was not the case in this instance. I recognize the difficulty that older persons may have in adapting to the changing composition of Canadian society. However, I cannot condone her actions with respect to Mr. Fong or her unwillingness to discuss this complaint with the employees of the Ontario Human Rights Commission.

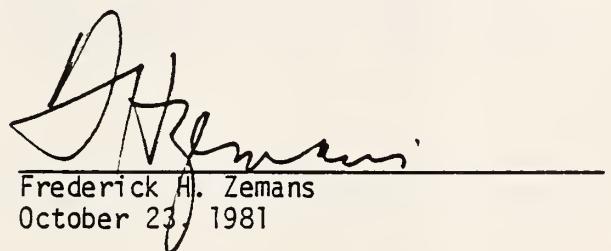
Accordingly, I find that Mrs. Annette Taylor, also known as Ms. Annette Taillefer, has contravened s.3(1)(a) of the Ontario Human Rights Code by denying to Mr. Fong the right to seek occupancy and housing accommodation at 53 McLeod Street.

Remedy

Mr. Bader requested that a letter of apology to the complainant with a carbon copy of the letter to the Commission be issued. Secondly, he requested a letter of assurance be sent to the Commission stating that, in fact, the respondent agrees to abide by the Ontario Human Rights Act provisions. He wished for some assurance that Mrs. Taylor was prepared to abide by the strict terms of the Ontario Human Rights Code and requested that Mrs. Taylor be required to report to the Commission on a semi-annual basis for a period of two years all applicants for accommodation, together with reasons for any and all refusals of accommodation. He further requested that if Mrs. Taylor intends to continue renewing a listing with the University of Ottawa that she be required to file a letter with the housing service to the effect that she will abide by the terms of the Human Rights Code and will not discriminate against any applicant for accommodation on the grounds of race, creed, colour or national origin. Mr. Bader further suggested that this is a proper case for the award of "general damages" to compensate the applicant and to act as a deterrent to Mrs. Taylor and other small landlords.

I have considered Mr. Bader's requests carefully and have decided that in light of the respondent's unwillingness to cooperate with the Ontario Human Rights Commission and to resolve this matter in a reasonable fashion without proceeding to a public inquiry, that an Order should be made requiring Mrs. Taylor to pay \$150 general damages. I hereby order the respondent, Mrs. Annette Taylor, also known as Annette Taillefer, to pay Mr. Fong \$150 for injury to his dignity, reputation and feelings arising from her discriminatory conduct. I further order that Mrs. Taylor should write a letter of apology to the complainant, Mr. Fong, with a carbon copy to the Ontario Human Rights Commission and further provide assurance to the Commission that she will in future abide by the provisions of the Ontario Human Rights Act. I further order that she file a letter with the housing service at the University of Ottawa to the effect that she abides by the rules of the Ontario Human Rights Code and will not discriminate against any applicant for accommodation on the grounds of race, creed, colour and national origin.

I do not believe that it is necessary for Mrs. Taylor to report to the Ontario Human Rights Commission on a semi-annual basis for a period of two years all applicants for accommodation together with reasons for any and all refusals of accommodation.



Frederick H. Zemans
October 23, 1981

IN THE MATTER OF THE ONTARIO HUMAN RIGHTS CODE,
R.S.O. 1970, c.318, as amended

IN THE MATTER of a complaint made by Mr. Chin Nok Fong of Ottawa, Ontario, alleging discrimination in denial of housing accommodation by Ms. Annette Taillefer and Mrs. Taylor, 53 McLeod Street, Ottawa, Ontario.

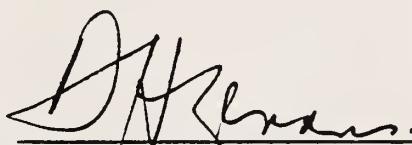
ORDER

This matter coming on for hearing on the 21st day of May, 1981, before the Board of Inquiry , pursuant to the appointment of Robert Elgie, Minister of Labour, dated the 5th day of February, 1981, in the presence of Counsel for the Commission and the complainant, and Counsel for the respondent, upon hearing evidence adduced by the parties and what was alleged by the parties, and upon finding that the complainant was substantiated by the evidence:

IT IS ORDERED THAT the respondent, Annette Taylor, also known as Annette Taillefer:

- (1) pay to the complainant the sum of one hundred and fifty dollars (\$150) as compensation for injury to his dignity, reputation and feelings as a result of the discriminatory act; and
- (2) forward a letter of apology to the complainant with a carbon copy to the Ontario Human Rights Commission; and
- (3) file a letter with the University of Ottawa housing service stating that she will abide by the terms of the Ontario Human Rights Code and that she will not discriminate against any applicant for accommodation on the grounds of race, creed, colour or national origin.

DATED at the City of North York, in the Judicial District of York, this 12th day of November, 1981.



Frederick H. Zemans
Board of Inquiry

